

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

QUINTIN IRVING BROWN,

Petitioner,

v.

Case No. 2:13cv198

**HAROLD W. CLARKE, Director,
Virginia Department of Corrections,**

Respondent.

ORDER

This matter is before the Court on Petitioner Quintin Irvin Brown's ("Petitioner") Writ of Habeas Corpus, Doc. 1, filed pursuant to 28 U.S.C. § 2254, and the Respondent Harold W. Clarke's Motion to Dismiss, Doc. 10. In his Petition, the *pro se* Petitioner alleges violations of his constitutional rights in relation to the Petitioner's conviction in 2008 for driving while his license was suspended or revoked—third or more offense within ten years, and a subsequent probation revocation in the Circuit Court for the City of Chesapeake that resulted in a sentence of incarceration in the Virginia state penitentiary. The Petitioner also challenges the state's calculation of various "time-served" or "good behavior" credits.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation filed on November 25, 2013, the Magistrate Judge recommended the Motion to Dismiss be granted and the Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the

Report and Recommendation. On December 9, 2013, the Court received the Petitioner's objections. The Respondent has not responded to these objections, however, and the time to do so has expired.


Having reviewed the record and the Petitioner's objections to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation, Doc. 20, in its entirety as the Court's own opinion.

Accordingly, the Court **GRANTS** the Respondent's Motion to Dismiss, Doc. 10. It is, therefore, **ORDERED** that the Petition, Doc. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that the Petitioner's pending motions for an enlargement of time, Doc.16, and for leave to file additional briefs, Doc. 17 and 18, are **DISMISSED** as moot. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

It is so **ORDERED**.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge
Henry C. Morgan, Jr. 
Senior United States District Judge

Norfolk, Virginia

January 14, 2014